

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

PCT/FR2003/003772



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Applicant's or agent's file reference DEDIC PCT 6	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/003772	International filing date (<i>day/month/year</i>) 17 décembre 2003 (17.12.2003)	Priority date (<i>day/month/year</i>) 21 janvier 2003 (21.01.2003)
International Patent Classification (IPC) or national classification and IPC B01F 15/00, B01J 19/02		
Applicant DE DIETRICH PROCESS SYSTEMS		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>3</u> sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 21 juillet 2004 (21.07.2004)	Date of completion of this report 15 April 2005 (15.04.2005)
Name and mailing address of the IPEA/EP	Authorized officer
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I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

☐ the international application as originally filed.

☒ the description, pages 1-14, as originally filed,
pages _____, filed with the demand,
pages _____, filed with the letter of _____,
pages _____, filed with the letter of _____.

☒ the claims, Nos. _____, as originally filed,
Nos. _____, as amended under Article 19,
Nos. _____, filed with the demand,
Nos. 1-20, filed with the letter of 31 January 2005 (31.01.2005),
Nos. _____, filed with the letter of _____.

☒ the drawings, sheets/fig 1/6-6/6, as originally filed,
sheets/fig _____, filed with the demand,
sheets/fig _____, filed with the letter of _____,
sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	6, 9, 10, 12-14, 16, 17, 20	YES
	Claims	1-5, 7, 8, 11, 15, 18, 19	NO
Inventive step (IS)	Claims	-	YES
	Claims	6, 9, 10, 12-14, 16, 17, 20	NO
Industrial applicability (IA)	Claims	1-20	YES
	Claims	-	NO

2. Citations and explanations

1. Reference is made to the following documents:

D1: EP-A-1 172 138 (BIAZZI SA) 16 January 2002 (2002-01-16)

D2: EP-A-1 208 905 (DU PONT) 29 May 2002 (2002-05-29)

- 2.1 The amendments added by the letter of 31/01/2005 result in the application being extended beyond the content of the application as filed. Consequently, they contravene the provisions of PCT Article 34(2)(b). The amendment concerned is as follows (see **claim 1**):
- "...after being rigidly connected when the wall (12) is enamelled."

In the present international preliminary examination report, **claim 1** has therefore been considered without taking said expression into account.

- 2.2 The relative terms "close" and "distant" used in **claim 16** do not have a well established and recognised meaning, and cast doubt on the meaning of the technical feature to which they refer. The subject matter of said claim is therefore not clearly defined (PCT Article 6).

3. The present application fails to meet the requirements of PCT Article 33(1), since the subject matter of **claim 1** does not comply with the criterion of novelty as defined by PCT Article 33(2).

D1 describes (see figures and column 2, lines 48 to 58) *a baffle rigidly connected to the enamelled inner wall of a container (see figure 3) and capable of being fitted with a heat-transport fluid circulating system (7, 8), characterised in that it is rigidly connected to the inner wall (16) of the container (2) and locally supported at a distance therefrom by means of at least one local connection (13) of which the largest dimension is less than the length of the baffle, and in that the outer surface of the baffle and the connection thereof are enamelled (see column 2, lines 48 to 58).*

4. Dependent **claims 2 to 20** contain no feature which, when combined with the features of any one of the claims to which they refer, defines subject matter that complies with the PCT requirements of novelty and/or inventive step, for the following reasons:

4.1 The additional features of **claims 4, 5, 7, 10, 14, 18 and 19** have already been disclosed in D1 (see figures).

4.2 The additional features of **claims 2 and 6**, in combination with the features of **claim 1** are already disclosed in D2 (see figures).

4.3 The additional features of **claims 5, 8, 9, 11-13, 15, 16, 17 and 20** appear obvious to a person skilled in

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the art.

5. Contrary to the requirement of PCT Rule 5.1(a)(ii), the relevant prior art disclosed in D1 and D2 has not been indicated in the description, nor have said documents been cited.